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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,626	08/30/2000	Dennis C. Wilson	2394.02US02	1440

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EXAMINER

WEST, JEFFREY R

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/650,626	Applicant(s) <i>W</i> WILSON ET AL.	
	Examiner Jeffrey R. West	Art Unit 2857	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-30 and 34-57 is/are rejected.
- 7) ☒ Claim(s) 19 and 31-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4-6</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 17 and 18 are objected to because of incorrect dependency. It is suggested that claims 17 and 18 should each depend on claim 15, rather than claim 16, because claim 15 recites the limitation of including a prioritized inventory and claims 16-18 each describe independent methods for establishing this priority.
2. Claims 19 and 31-33 are objected to because they are dependent on a rejected claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 11, 44, and 50 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 11 and 44 provide a limitation that the digital channels define a machine as a "complete machine or a virtual machine", in claim 11, or "a machine or virtual machine" in claim 44. This limitation is unclear because the specification recites,

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“the term machine is used in a generic sense and connotes a complete machine, a subset thereof (virtual machine), or a combination of different machines” (page 16, lines 3-5). Since the applicant defines a machine as both complete and virtual, it is unclear how one with ordinary skill in the art would further define a machine into the claimed specific groups. This lack of clarity is also present in claim 50 which recites, “said plurality of machines comprise a plurality of virtual machines”.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite. Claim 8 recites, “wherein said plurality of CMCs are selected”, however there is no mention of a plurality of CMCs in the parent claims. It is suggested that the applicant correct the dependency of claim 8 to be dependent on claim 7 rather than on claim 6.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3-6, 9-12, 15, 20, 21, 23, 26, 28, 48, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,754,451 to Williams.

Williams discloses a computerized machine control monitoring system, wherein a CMC uses a control program to control the operation of a machine through a plurality of digital channels, that define a substantially complete machine (column 2, lines 54-61 and column 3, lines 4-9), comprising a data acquisition component that is in communication with the CMC and acquires transition data about the digital channels, an analysis component that is in communication with the data acquisition component and performs analysis on the acquired transition data to automatically determine if the machine has experienced a downtime event (column 3, lines 10-19) and, independent of the control program, develops a probability prioritized inventory of which channel likely caused the downtime event (column 5, lines 34-41), and a data storage component that is in communication with the data acquisition component to store the acquired transition data and establish a historical pattern of transition data (column 3, lines 35-43). Williams also discloses comparing the dynamic historical pattern of transition data, chosen from a pre-selected library of dynamic historical patterns (column 5, lines 49-61), to the current transition data, independent of the control program, to determine the operational status of the machine (column 3, lines 44-54 and column 5, lines 18-24).

Williams discloses that the remote/stand alone monitoring device (column 3, lines 20-22) comprises a display device (column 3, lines 22-25), in communication with

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the data storage component, that displays a cycle count of the repeatably cyclic transition data (column 2, lines 1-9), the prioritized channel inventory ("94" in Figure 5), and the overall operational status of the machine (column 1, lines 49-58).

Williams also discloses that the analysis component perform analysis on the acquired transition data to automatically, and without user-input, determine, store, and display, whether the machine has experienced a downtime event (i.e. a machine fault) (column 1, lines 16-20 and column 5, lines 33-40) as well as if one of the digital channels intermittently experiences an unexpected transition absent a downtime event (column 5, lines 3-24).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams.

As noted above, Williams teaches many features of the claimed invention including determining a fault by comparing current transition data to historical reference data and establishing a priority based on the probability of what data

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channel likely caused the fault. Williams does not disclose, however, that the priority is established according to a calculated probability percentage.

Although Williams doesn't specifically disclose the mentioned limitation, it would have been obvious to one having ordinary skill in the art to calculate the prioritized probability according to a percentage because percentages are the well-known method of expressing a probability.

11. Claims 29, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of U.S. Patent No. 4,396,974 to Imazeki et al.

As noted above, Williams teaches many features of the claimed invention including determining, and displaying, whether the current transition data differs from the historical transition data (column 2, lines 18-24), displaying the occurrence of intermittent failures (column 5, lines 3-24), and displaying digital data representing analog data (column 3, lines 4-9), but does not teach displaying the transition data, as well as the intermittent and analog channel data, using a sequence diagram.

Imazeki teaches a method of preparing and executing a sequence program for a sequence machine tool controller (column 1, lines 52-56) comprising preparing the execution of the sequence program by first constructing a ladder/sequence diagram (column 3, lines 31-34) and, from the visual display, preparing the machine tool control program (column 3, lines 47-51).

It would have been obvious to one having ordinary skill in the art to modify the invention of Williams to include displaying the transition data, as well as the

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intermittent and analog channel data, using a sequence diagram, as taught by Imazeki, because, as suggested by Imazeki, the combination would have provided a method for displaying the progress of the machine and all the necessary function commands to prepare the machine tool sequence in a way that is understandable for workers with minimal knowledge about the machine (column 5, line 50 to column 6, line 2).

12. Claims 13, 14, 22, 24, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of U.S. Patent No. 5,949,676 to Elsley.

As noted above, Williams teaches many features of the claimed invention including indicating an unexpected transition as characterized by a statistically significant deviation (column 5, lines 18-24) but does not teach specifying that the performed analysis comprise statistical standard deviation analysis and that a downtime event is defined by a statistically significant deviation in combination with an expired downtime timer.

Elsley teaches a method and system for diagnosing the behavior of a machine controlled by a discrete event control system comprising developing diagnostic rules based on discrete event timing patterns that occur during operation of the machine and evaluating the occurrence of the discrete events relative to the diagnostic rules to identify malfunctions in the behavior of the machine (column 2, lines 18-23).

Elsley also teaches that the diagnostic rules are defined based on statistical analysis, such as standard deviation, of the repetitions of the machine timing pattern

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(column 2, lines 36-44) and that the occurrence of a downtime event is determined by a statistically significant deviation in combination with an expired downtime timer (column 9, line 60 to column 10, line 7)

It would have been obvious to one having ordinary skill in the art to modify the invention of Williams to include specifying that the performed analysis comprise statistical standard deviation analysis, as taught by Elsley, because, as suggested by Elsley, the combination would have provided a statistical analysis detection method, that can automatically adapt to changing operating conditions, which detects transient errors rather than only hard causal relationships (column 1, lines 25-32 and column 2, lines 4-15). Further, it would have been obvious to one having ordinary skill in the art to modify the invention of Williams to include indicating a downtime event based on an expired downtime timer because the combination would have provided a method for eliminating false alarms by indicating downtime only when a serious fault stops the operation of the machine rather than when there is an occurrence of a non-detrimental fault caused by periodic deviation.

13. Claims 40-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Imazeki, and further in view of U.S. Patent No. 5,586,156 to Gaubatz.

As noted above, Williams and Imazeki teach many features of the claimed invention including obtaining predetermined limits of the cycle count, as well as the library of historical transition data, based on configurations in the hardware and

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software set by the manufacture (Williams, column 4, lines 22-24 and column 5, lines 49-54) as well as specifying that the historical pattern of transition data is obtained from a pre-determined reference data set that is repeatably cyclic, comprises at least one cycle of data, and defines a machine. Williams and Imazeki teach these steps for only transition data, however, and not for a sub-set of transition data (i.e. start-up data) that is controlled by the program and compared to expected historical data.

Gaubatz teaches an automatic self-testing and diagnostic system comprising discriminating against failed sensors by automatically entering a predetermined state when failures are detected through a comparison between current data and theoretical data (column 2, line 59 to column 3, line 2), measuring current start-up data, and comparing the measured start-up data to a predetermined set of reference data stored in the device software instructions (column 5, line 61 to column 6, line 2).

It would have been obvious to one having ordinary skill in the art to modify the invention of Williams and Imazeki to include performing the aforementioned analysis for an program-controlled sub-set of transition data (i.e. start-up data), rather than only transition data, as taught by Gaubatz, because, as suggested by Gaubatz, the combination would have provided safe and proper operation of the machinery by insuring that the crucial initial conditions of the machining process are met (column 6, lines 2-5 and 33-37).

14. Claims 2, 7, 8, 30, 38, 49, 50, 51, 54, 55, and 56 are rejected under 35

U.S.C. 103(a) as being unpatentable over Williams in view of Imazeki and Gaubatz, and further in view of U.S. Patent No. 6,006,171 to Vines et al.

As noted above, Williams, Imazeki, and Gaubatz teach all of the features of the claimed invention except for applying the diagnostic method for a plurality of virtual CMC machines that use different communication schemes to perform different functions, and displaying the corresponding operational status, identifier, and runtime, of the plurality of machines simultaneously.

Vines teaches a dynamic maintenance management machine that uses a display, that identifies each individual control channel with a inputted name (column 1, lines 61-64), for monitoring and analyzing control data obtained from sensors in communication with a plurality of computer controllers (column 3, lines 30-39) that control a plurality of different virtual machines (i.e. subsets of a larger machine) (Figures 5 and 6), as well as displaying the current data and historical data for each individual channel simultaneously (Figure 7). Vines also teaches obtaining start-up data and time-stamped transition data measured from the start of a runtime clock (column 5, lines 16-22) which is displayed on the monitor (Figure 4). Further, it is inherent that the control computers use different communication schemes because they control a variety of different machines that would require different commands.

It would have been obvious to one having ordinary skill in the art to modify the invention of Williams, Imazeki, and Gaubatz to include an identifier next to each channel of digital data, as taught by Vines, because the combination would have

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provided a way to identify which data corresponds to which machine channel on the display.

It would have been obvious to one having ordinary skill in the art to modify the invention of Williams, Imazeki, and Gaubatz to include applying the diagnostic method for a plurality of virtual CMC machines that use different communication schemes to perform different functions, and displaying the corresponding operational status, along with its runtime, simultaneously, as taught by Vines, because, as suggested by Vines, the combination would have provided a method of monitoring the control communications of an entire plant rather than just one machine (column 1, lines 29-32).

15. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of U.S. Patent No. 5,870,693 to Seng et al.

As noted above, Williams teaches all the features of the claimed invention, except for specifying that when a downtime event occurs, priority is established according to a time sequence of acquired data based on proximity to the occurrence of the downtime event.

Seng teaches an apparatus and method for diagnosis of abnormality in processing equipment comprising production equipment that executes a plurality of steps of a sequence under the control of a PLC (column 4, lines 27-31), a display device that provides information relative to a downtime event (column 4, lines 44-55), and a detecting means for determining the channel of data that likely caused the

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downtime event by analyzing the time sequenced proximity to the downtime event (column 9, lines 1-17 and 49-56).

It would have been obvious to one having ordinary skill in the art to modify the invention of Williams to include specifying that when a downtime even occurs, priority is established according to a time sequence of acquired data based on proximity to the occurrence of the downtime event, as taught by Seng, because, as suggested by Seng, the combination would have increased the production of the equipment by automatically diagnosing and determining the point of error in the machine to be displayed to the operator, in a logical sequential order, without interrupting the control program (column 11, lines 15-30).

16. Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view Imazeki, and further in view of Rockwell Software, "RSRules™, Machine Diagnostics".

As noted above, Williams and Imazeki teach all the features of the claimed invention except for specifying that the sequence diagrams overlap each other and comprise a real-time scrolling cursor that stops at the occurrence of a downtime event.

Rockwell Software teaches a machine diagnostics method comprising acquiring current transition data and comparing it to predetermined reference tolerance data (page 1, column 1, lines 1-5) using a sequence diagram that displays the allowable reference tolerance over the current data being obtained (page 1, Figure).

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It would have been obvious to one having ordinary skill in the art to modify the invention of Williams and Imazeki to include specifying that the sequence diagrams overlap each other, as taught by Rockwell Software, because, as suggested by Rockwell Software, the combination would have provided a fast, clear method for indicating faults by looking at the significant deviation from the normal timing pattern on the sequence diagram (page 1, column 1, lines 30-33). Further, with respect to claims 35 and 36, since Rockwell Software teaches real-time analysis and a scrollable alarm log that contains the overlayed transition data sequence diagram (page 3, column 1 and Figure 2), the claimed method of including a cursor that stops to indicate the current fault point of the diagnostic analysis would be an obvious engineering design choice and provide the equivalent method of graphically pinpointing the cause of machine performance degradation, as is the intent of the cited prior art.

17. Claims 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of U.S. Patent No. 5,319,353 to Ohnishi et al.

As noted above, Williams teaches all the features of the claimed invention except for displaying the operational status of the machine using a color-coded stack light.

Ohnishi teaches a method of monitoring a test handling machine which is capable of displaying the occurrence, and position, of an error or other inadequacy (column 3, line 67 to column 4, line 5) using a display panel (column 4, lines 15-24) as well as a color-coded stack alarm light, attached to the housing of the machine, that

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displays the operational status of the machine (column 7, line 64 to column 8, line 2, and "45" in Figure 3).

It would have been obvious to one having ordinary skill in the art to modify the invention of Williams to include displaying the operational status of the machine using a color coded stack light, as taught by Ohnishi, because the combination would have provided a fast, convenient method for instantly determining the occurrence of an fault.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 3,882,305 to Johnstone teaches a diagnostic communications system for computer controlled machine tools.

U.S. Patent No. 5,970,430 to Burns et al. teaches local device and process diagnostics in a process control network having distributed control functions.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. West whose telephone number is (703)308-1309. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703)308-1677. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

jrw
May 6, 2002


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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